

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

PERRY PIERCE,

Plaintiff,

v.

P. BAILEY, et al.,

Defendants.

Hon. Hala Y. Jarbou

Case No. 1:22-cv-00863

ORDER

This matter is before the Court on Plaintiff's Motion to Appoint Counsel. (ECF No. 21.)
For the reasons articulated herein, the Court denies Plaintiff's motion.

Pursuant to 28 U.S.C. § 1915(e)(1), "the court may request an attorney to represent any person unable to afford counsel." In civil actions, however, the decision to grant such a request is discretionary and is generally allowed only in exceptional cases. *See Lavado v. Keohane*, 992 F.2d 601, 604-05 (6th Cir. 1993) (the decision to deny a civil litigant's request for counsel will be overturned only when the denial of counsel results in "fundamental unfairness impinging on due process rights").

When examining requests such as this, courts have generally considered factors such as: (1) whether the action presents a colorable claim for relief, (2) the litigant's ability to investigate crucial facts, (3) whether the nature of the evidence indicates that the truth will more likely be revealed when both sides are represented by counsel, (4) the ability of the litigant to present his case, and (5) the complexity of the legal issues presented. *See McKeever v. Israel*, 689 F.2d 1315, 1320-21 (7th Cir. 1982); *Lavado*, 992 F.2d at 605-06. The Court presently finds absent the factors warranting the appointment of counsel.

Accordingly, the Court hereby DENIES Plaintiff's motion (ECF No. 21).

IT IS SO ORDERED.

DATE: February 15, 2023

/s/ Sally J. Berens

SALLY J. BERENS

U.S. Magistrate Judge